

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

In Re:)
) Case No.: 19-00425-DSC13
AMY MICHELLE BARNETT,)
SSS: ###-##-7098)
)
)
Debtor.)
)

TRUSTEE'S OBJECTION TO CONFIRMATION AND MOTION TO DISMISS

COMES NOW Bradford W. Caraway, Chapter 13 Standing Trustee, and objects to the confirmation of Debtor's plan and moves to dismiss this case based upon the following grounds:

1. The Debtor is not paying as proposed in the plan.
2. The plan payments proposed by the Debtor are insufficient to fund the plan. The Trustee recommends payments of \$247.00 monthly to pay the proposed plan within 5 years .
3. However, the recommended payments are not feasible as required by 11 U.S.C. § 1325(a)(6) because they exceed the projected disposable income listed in the Debtor's schedules.
4. The fixed payment of \$345.00 monthly offered to Exeter will not cure claim no. 2 with interest within 54 months. The Trustee recommends a fixed payment of \$351.00 monthly instead.
5. Schedule J does not include Spouse's income in the calculation of disposable income.
6. The Trustee has not received proof that student loan debts are deferred.

WHEREFORE, the Trustee objects to the confirmation of the Debtor's plan and moves to dismiss this case. The Trustee prays for such other relief as the Court deems appropriate.

/s/ Bradford W. Caraway
Bradford W. Caraway
Chapter 13 Standing Trustee
Post Office Box 10848
Birmingham, Alabama 35202
(205) 323-4631

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CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the forgoing Objection has been forwarded by email or U.S. Mail to the following on this the 26th day of March 2019:

DAISY M HOLDER, ATTY
holderesq@aol.com

AMY MICHELLE BARNETT
4236 FIELDSTOONE WAY
BIRMINGHAM, AL 35215

/s/ Bradford W. Caraway
Trustee

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